

AMENDED IN ASSEMBLY APRIL 19, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1925

Introduced by Assembly Member Ma
(Principal coauthor: Senator Yee)

February 22, 2012

An act to add Section 1947.9 to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1925, as amended, Ma. Real property: rent control.

Existing law requires, in any city, county, or city and county that administers a system of controls on the price at which residential rental units may be offered for rent or lease and that requires the registration of rents, upon the establishment of a certified rent level, any owner who charges rent to a tenant in excess of the certified lawful rent ceiling to refund the excess rent to the tenant upon demand.

This bill would limit, ~~in a city, county, or city and county that administers a system of controls on the price at which residential rental units may be offered for rent or lease, and the City and County of San Francisco~~, notwithstanding any local law to the contrary, levels of compensation for the temporary displacement of a tenant household for less than 20 days to temporary housing and living expenses, not to exceed \$275 per day per tenant household, and actual moving expenses, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1947.9 is added to the Civil Code, to
2 read:
- 3 1947.9. (a) (1) ~~In a city, county, or city and county that~~
4 ~~administers a system of controls on the price at which residential~~
5 ~~rental units may be offered for rent or lease, and the City and~~
6 ~~County of San Francisco,~~ notwithstanding any local law to the
7 contrary, levels of compensation for the temporary displacement
8 of a tenant household for less than 20 days shall be limited to both
9 of the following:
- 10 (A) Temporary housing and living expenses, not to exceed two
11 hundred seventy-five dollars (\$275) per day per tenant household.
12 This limit may be adjusted annually by ~~a city, county, or a~~ the city
13 and county ~~commensurate with an increase in~~ in an amount equal
14 to the Consumer Price Index, *beginning on January 1, 2014.*
- 15 (B) Actual moving expenses if it is necessary to move the
16 possessions of the tenant household.
- 17 (2) The landlord shall have the option to provide a comparable
18 dwelling unit and pay any actual moving expenses, in lieu of the
19 compensation ~~required~~ *specified* in subparagraph (A) of paragraph
20 (1). The rental housing shall be comparable to the tenant
21 household's existing housing in location, size, number of
22 bedrooms, accessibility, type, and quality of construction, and
23 proximity to services and institutions upon which the displaced
24 tenant household depends.
- 25 (b) This section shall not be construed to do any of the
26 following:
- 27 (1) To terminate, interrupt, or amend, in any way, a tenancy
28 subject to the lease provisions, or the rights and obligations of
29 either party, including, but not limited to, the payment of rent.
- 30 (2) To create or affect any grounds for displacement or
31 requirements of a landlord seeking temporary displacement, except
32 the payment of relocation fees pursuant to subdivision (a) for
33 displacement not exceeding 20 days.
- 34 (3) To affect the authority of a public entity that may regulate
35 or monitor the basis for eviction.

1 (c) If a federal or state law regarding relocation compensation
2 is also applicable to the temporary displacement, the tenant may
3 elect to be compensated under those other provisions, and
4 subdivision (a) shall be inapplicable.

5 (d) This section shall affect only levels of compensation for a
6 temporary displacement of less than 20 days. ~~Any other local laws~~
7 ~~governing temporary displacements of 20 days or more in duration~~
8 ~~shall remain in full effect, and does not affect any other local~~
9 ~~procedures governing temporary relocation.~~

10 ~~(e) A residential rental property owner shall not be required to~~
11 ~~provide temporary relocation benefits to a tenant household if any~~
12 ~~tenant in the household or a guest of the household was entirely~~
13 ~~or primarily responsible for causing the condition that necessitated~~
14 ~~the temporary relocation.~~

15 *SEC. 2. The Legislature finds and declares that a special law*
16 *is necessary and that a general law cannot be made applicable*
17 *within the meaning of Section 16 of Article IV of the California*
18 *Constitution because of the unique circumstances of the City and*
19 *County of San Francisco. The cost of temporary housing in the*
20 *City and County of San Francisco is not equivalent to that cost in*
21 *other areas of the state. In order to adapt the law governing*
22 *housing compensation to these unique circumstances, this special*
23 *law is necessary.*